

OFFICE OF THE GOVERNOR  
STATE OF MONTANA

BRIAN SCHWEITZER  
GOVERNOR



JOHN BOHLINGER  
LT. GOVERNOR

January 6, 2009

Carol Rushin, Acting Regional Administrator  
US Environmental Protection Agency  
Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

RECEIVED

JAN 07 2009

Re: NPL listing of the Flat Creek IMM mountain area

USEPA RA'S OFFICE

Dear Ms Rushin:

Historic mining and milling waste in the Flat Creek drainage and on present and former Asarco properties has contaminated portions of this drainage. In addition, contamination has been identified on properties in and near the town of Superior. I appreciate the Environmental Protection Agency (EPA) efforts to date to identify contamination and to mitigate those contaminants creating a high risk to human health in the short term.

These contaminated areas, collectively known as the Flat Creek IMM or the Flat Creek Mountain site, and similar names, continue to pose a long-term risk to the health of Montanans in the area. There is widespread support from the town, the county, the area Legislators, and local residents for listing of the site on EPA's National Priority List (NPL).

I believe it is imperative to address contamination that poses long-term risk to our citizens in a timely, coordinated, and cost-effective fashion. Therefore, I, too, support the listing of this site on the NPL. As Governor, I stress the importance of EPA addressing the concerns raised by the Town of Superior in their November 11, 2008, letter (attached) and to keep the community informed of your progress. In addition, I encourage you to address the concerns raised by Mineral County in its letter of December 24, 2008 (attached), and likewise keep the community informed. Lastly, I think it is important for your agency to provide written assurance to the town, county and school district that you understand that they do not have the financial resources to assist with cleanup costs. Early recognition of this fact will greatly improve your ability to work with these entities.

On behalf of the state, I want to stress the need for comprehensive and thorough identification of contaminated properties including, but not limited to, the Stimson Lumber Company and ASARCO properties, the Flat Creek drainage and properties within and outside of the Superior town limits. I encourage EPA to ensure it utilizes contracting opportunities that maximize the potential for local employment in the cleanup process.

STATE CAPITOL • P.O. BOX 200801 • HELENA, MONTANA 59620-0801  
TELEPHONE: 406-444-3111 • FAX: 406-444-5529 • WEBSITE: WWW.MT.GOV

Carol Rushin  
January 6, 2009  
Page Two

EPA must be committed to timely funding of cleanup-related activities for the whole site. As EPA, DEQ and the US Forest Service (USFS) work through the activities necessary to clean up this site, we urge EPA to apply state cleanup levels to contaminants and involve DEQ and the USFS in contractor selection and management.

I have directed my Department of Environmental Quality (DEQ) to provide assistance to the EPA in addressing community concerns. I have also directed them to work in cooperation with EPA and the USFS to conduct coordinated actions and find a local repository site necessary to achieve cleanup of the Flat Creek IMM. DEQ is also committed to matching state obligations at the site, in part, through the expenditure of its non-custodial ASARCO bankruptcy funds, should it receive any, to conduct work on private lands in the Flat Creek drainage.

Please work with Richard Oppen, Director, DEQ, and his staff to meet our common goals.

Sincerely,

  
BRIAN SCHWEITZER  
Governor

Cc: Michael Wood, Mayor, Town of Superior [PO Box 729, Superior, MT 59872]  
Judy Stang, Chair, Mineral County Commission [PO Box 550, Superior, MT 59872]  
Bob Wintergerst, USFS Northern Regional Office, Box 7669, Missoula MT, 59807  
Richard Oppen, DEQ

Bc: Remediation Division (Sandi, Larry, Denise, Gwen)